



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Monterey Bay National Marine Sanctuary
299 Foam Street
Monterey, CA 93940

November 2, 2007

Mr. Jolm Connell
California Department of Food & Agriculture
1220 N Street
Room A-316
Sacramento, CA 95814

Dear Mr. Connell:

The National Oceanic and Atmospheric Administration, National Marine Sanctuary Program (NMSP) has approved the issuance of permit amendment number MBNMS-2007-024-AI to conduct activities in Monterey Bay National Marine Sanctuary (sanctuary) for **natural** resource value purposes. This amendment supercedes all previous permits or amendments for this activity. Activities are to be conducted in accordance with the permit application and all supporting materials submitted to the sanctuary, and the detailed terms and conditions of permit amendment number MBNMS-2007-024-AI, attached. You are responsible for reviewing and understanding all terms and conditions of this permit amendment.

Permits are not valid until signed by the permit holders and filed at this office. Three signed copies are enclosed for your signature. Retain one signed copy and carry it with you while conducting the permitted activities. The additional copies should be signed and returned to NMSP offices at the following addresses within 30 days of issuance:

Deirdre Hall
Permit Coordinator
Monterey Bay National Marine Sanctuary
299 Foam Street
Monterey, CA 93940

David Bizot
National Permit Coordinator
NOAA National Marine Sanctuary Program
1305 East-West Highway (N/ORM6)
Silver Spring, MD 20910

Your permit contains specific special conditions and reporting requirements. Please review them closely and fully comply with them while undertaking permitted activities.

If you have any questions about this permit please contact Deirdre Hall at 831-647-4207. Thank you for your continued cooperation with the NMSP.

Sincerely,


Paul Michel
Superintendent





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MONTEREY BAY NATIONAL MARINE SANCTUARY FURTHER NATURAL RESOURCE VALUE PERMIT

Permittee:
Mr. Jolm COIUlell
California Department of Food & Agriculture
1220 N Street
Room A-316
Sacramento, California 95814

Permit Number: MBNMS-2007-024-A1
Effective Date: November 2, 2007
Expiration Date: July 24, 2010

Project Title: Eradication Treatment for the Light Brown Apple Moth

This permit is issued for activities in accordance with the National Marine Sanctuaries Act (NMSA), 16 USC §1431 *et seq.*, and regulations thereunder (15 CFR Part 922). All activities must be conducted in accordance with those regulations and law. No activity prohibited in 15 CFR Part 922 is allowed except as specified in the activity description below. This amendment supercedes all previous permits or amendments for this activity.

Subject to the terms and conditions of this permit, the National Oceanic and Atmospheric Administration (NOAA) National Marine Sanctuary Program hereby authorizes the permittee listed above to conduct general activities within Monterey Bay National Marine Sanctuary (MBNMS or sanctuary). All activities are to be conducted in accordance with this permit and the permit applications received October 4, 2007, October 23, 2007, and November 1, 2007 and accompanying supplemental materials. The permit application is incorporated into this permit by reference; provided, however, that if there are any conflicts between the permit application and the terms and conditions of this permit, the terms and conditions of this permit shall be controlling.

PERMITTED ACTIVITY DESCRIPTION:

The following activities are authorized by this permit:

Discharging light brown apple moth pheromone compound into the Monterey Bay National Marine Sanctuary offshore of Monterey County.

Discharging light brown apple moth pheromone compound into the Monterey Bay National Marine Sanctuary offshore Santa Cruz County and conducting overflights within the MBNMS Overflight Restriction Zone offshore Santa Cruz County, as described in the amendment request. This operation is to be conducted during November 4th, through November 9th, 2007.

This amendment does not include any other project or the Elkhorn Slough area.

No further disturbance of the cultural or natural resources of the sanctuary is allowed.



PERMITTED ACTIVITY LOCATION:

The permitted activity is allowed only in the following location(s):

Offshore Monterey County as described in the October 4, 2007 application.

Offshore Santa Cruz County, as described in the amendment request, to be conducted from November 4th, through November 9th, 2007.

In addition to the terms above, the following terms and conditions apply to this permit:

SPECIAL CONDITIONS:

- I. The permittee is authorized to discharge moth pheromone material into the MBNMS offshore of Santa Cruz and Monterey Counties as described in the application materials dated October 4, 2007 and November 1, 2007 and accompanying supplemental materials, including National Environmental Policy Act analysis dated July 2007. No other discharges are permitted.
2. This permit is valid for intermittent operations offshore Monterey, which are planned to be conducted over a three-year period as part of the Light Brown Apple Moth eradication efforts.
3. The permittee is authorized to conduct a total of ten overflights offshore Santa Cruz within the MBNMS Overflight Restriction Zone during November 4-9, 2007.
4. The permittee shall use precautionary buffer zones as described in the "Light Brown Apple Moth Workplan" when operating adjacent to the MBNMS to ensure that only a minimal amount of moth pheromone material enters Sanctuary waters.
5. The permittee shall continue to conduct monitoring consistent with California Department of Food & Agriculture protocols to determine application efficacy and avoidance of sensitive waters.
6. The permittee shall submit a brief report of all activities conducted under this permit to the MBNMS Permit Coordinator no later than 30 days after each application of moth pheromone material, including areas sprayed, problems encountered, drift patterns, application efficacy, monitoring results, etc. This report can be submitted via email if desired.
7. This permit may be revoked at any time should the MBNMS Superintendent find that the moth pheromone material is causing or may cause unacceptable harm to sanctuary resources or qualities.
8. This activity may also require permission from other agencies. The enclosed permit is not valid until all other necessary permits and/or authorizations are obtained.

GENERAL CONDITIONS:

1. Within 30 (thirty) days of the date signed by the sanctuary official the permittee must sign and date on the appropriate line below for this permit to be considered valid. Once signed and dated, the permittee must ensure that the persons listed below each receive a signed original within 35 (thirty-five) days of the date signed by the sanctuary official:


Deirdre Hall
Permit Coordinator
Monterey Bay National Marine Sanctuary
299 Foam Street
Monterey, CA 93940

David Bizot
National Permit Coordinator
NOAA National Marine Sanctuary Program
1305 East-West Highway (N/ORM6)
Silver Spring, MD 20910

2. It is a violation of this permit to conduct any activity authorized by this permit prior to the sanctuary official having received a permit with the permittee's original signature on the appropriate line below. The permittee must contact the sanctuary office to ensure the requisite **documentation** has been received before conducting any activity authorized by **this** permit.
3. This permit may only be amended by the National Marine Sanctuary Program. The permittee may not change or amend any part of **this** permit at any time. The terms of **the** permit must be accepted in full, without revision; otherwise, the permittee must return the permit to the sanctuary office unsigned with a written explanation for its rejection. Amendments to this permit must be requested in the same manner the original request was made.
4. All persons participating in the permitted activity must be under the supervision of **the** permittee, and **the** permittee is responsible for any violation of this permit, the NMSA, and sanctuary regulations for activities conducted under, or in conjunction with, this permit. The permittee must assure that all persons performing activities under this permit are fully aware of the conditions herein.
5. This permit is non-transferable and must be carried by the permittee at all times while engaging in any activity authorized by this permit.
6. **This** permit may be suspended, revoked, or modified for violation of the terms and conditions of **this** permit, the regulations at 15 CFR Part 922, the NMSA, or for other good cause. Such action will be communicated in writing to the applicant or permittee, and will set forth the reason(s) for the action taken.
7. This permit may be suspended, revoked or modified if requirements from previous National Marine Sanctuary Program permits or authorizations issued to the permittee are not fulfilled by their due date.
8. Permit applications for any future activities in the sanctuary or any other sanctuary in **the** system by the permittee might not be considered until all requirements from **this** permit are fulfilled.

9. This permit does not authorize the conduct of any activity prohibited by 15 CFR § 922, other than those specifically described in the "Permitted Activity Description" section of this permit. If the permittee or any person acting under the permittee's supervision conducts, or causes to be conducted, any activity in the sanctuary not in accordance with the terms and conditions set forth in this permit, or who otherwise violates such terms and conditions, the permittee may be subject to civil penalties, forfeiture, costs, and all other remedies under the NMSA and its implementing regulations at 15 CFR Part 922.
10. Any publications and/or reports resulting from activities conducted under the authority of this permit must include the notation that the activity was conducted under National Marine Sanctuary Permit MBNMS-2007-024-A1 and be sent to the sanctuary official listed in general condition number 1.
11. This permit does not relieve the permittee of responsibility to comply with all other federal, state and local laws and regulations, and this permit is not valid until all other necessary permits and/or authorizations are obtained. Particularly, this permit does not allow disturbance of marine mammals or seabirds protected under provisions of the Endangered Species Act, Marine Mammal Protection Act, or Migratory Bird Treaty Act. Authorization for incidental or direct harassment of species protected by these acts must be secured from the U.S. Fish and Wildlife Service and/or NOAA Fisheries, depending upon the species affected.
12. The permittee shall indemnify and hold harmless the National Marine Sanctuary Program, NOAA, the Department of Commerce and the United States for and against any claims arising from the conduct of any permitted activities.
13. Any question of interpretation of any term or condition of this permit will be resolved by NOAA.

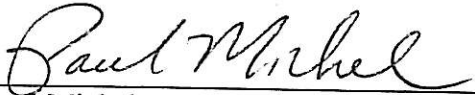
Your signature below, as permittee, indicates that you accept and agree to comply with all terms and conditions of this permit. This permit becomes valid when you, the permittee, countersign and date below. Please note that the expiration date on this permit is already set and will not be extended by a delay in your signing below.



Mr. John Connell
California Department of Food & Agriculture

11/2/07

Date



Paul Michel
Superintendent
Monterey Bay National Marine Sanctuary

11-2-07

Date